

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00100

EUGENE ENRIQUE TORRES

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue the trial and all related deadlines for a period of approximately thirty days. (ECF No. 29). In support of defendant's motion and the need for a continuance, counsel for Torres states that he needs additional time for further research regarding the potential immigration consequences of a criminal conviction in this matter. To that end, counsel has retained an attorney who specializes in immigration law. Additional time is needed to meet with this attorney and convey the fruits of that research with defendant. The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time

necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until October 7, 2020, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by September 30, 2020;
2. All pretrial motions are to be filed by September 14, 2020;
3. A pretrial motions hearing is scheduled for September 21, 2020, at 2:30 p.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 14th day of August, 2020.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge